IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6440 of 1999

Between:

Nadendla Anjaiah

..... PETITIONER

AND

1. The Collector, Prakasam District, at Ongole.
2. The Mandal Revenue Officer, Martur, Prakasam Dist.
3. The Commissioner of Endowments, Govt. of AP, Hyderabad.

.....RESPONDENTs

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Mandamus, or any other Writ, order or direction in the nature of a Writ, declaring the alleged acquisition of Ac.4.13 cents of land in Sy.No. 335/2B of Darsi village, Martur Mandal belonging to Sri Lakshminarasimhaswamy vari temple without resorting to either the provisions of the Land Acquisition Act or A.P. Act 30/87 as illegal, null and void and consequently to direct the respondents not to interfere with the possession and enjoyment of the petitioner and other tenants in the land.

Counsel for the Petitioner:MR.G.PEDDA BABU Advocate

Counsel for the Respondent No.: GP FOR Social Welfare

The Court made the following ORDER:

This Wit Petition is filed, seeking Writ of Mandamus, to declare the action of the respondents in acquiring the land in an extent of Ac.4.13 cents, situated in Sy.No. 335/2B of Darsi Village, Martur Mandal, Prakasam District as illegal and arbitrary.

It is the case of the petitioner that the land in question belongs to Sri Lakshminarasimhaswamy vari temple and he is the cultivating tenant to the extent of Ac.1.40 cents of the land in Sy.No. 335/2B. The grievance of the petitioner is that he is sought to be dispossessed from the land in question without following due procedure under law.

In the counter affidavit filed on behalf of the respondents, it is stated that in view of the instructions of the Government in Memo dated 15-4-1998, the land in question is acquired for providing house sites to the weaker sections, fixing the market value at Rs. 28,000/- per acre and paid 80% of compensation to the Executive officer of the said temple. It is further stated that the Land Acquisition Officer has fulfilled the formalities prescribed under Section 80(1) (b) of A.P. Charitable and Hindu Religious Institutions Act, 1987 and acquired the land admeasuring Ac.4.13 cents in Sy.No.335/2B.

In view of the averments in the counter affidavit, that the land in question is acquired by following due process of law and substantial portion of the compensation amount is already paid to the Executive Officer of the temple, which is admittedly owner of the land in question, I do not see any merit in the Writ Petition.

The Writ Petition is therefore, dismissed. No costs.

Assistant Registrar

//True copy//

Section Officer

To

1. The Collector, Prakasam District, at Ongole.
2. The Mandal Revenue Officer, Martur, Prakasam Dist.
3. The Commissioner of Endowments, Govt. of AP, Hyderabad.
4. Two CCs to G.P. for Social Welfare, High court of AP, Hyderabad (OUT)
5. Two CD copies.